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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,684	04/02/2004	Svend Erik Hansen	Q75533	9766
23373	7590	01/31/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			VASUDEVA, AJAY	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/815,684	<b>Applicant(s)</b> HANSEN, SVEND ERIK	
	<b>Examiner</b> Ajay Vasudeva	<b>Art Unit</b> 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 19-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 9-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election with traverse of Group I (claims 1-18) in the reply filed on 11/07/2005 is acknowledged. Claims 19-41 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Invention or Species, there being no allowable generic or linking claim.

The traversal is on the ground(s) that the restriction between the inventions of at least Group I and Group II is improper because the amended claim 1 now recites the limitation "ballasting of the base". Applicant has argued that the justification for restricting the two groups is no longer proper because claim 1 now requires changing the ballast condition of the base. Further, the applicant believes that there would be little or no added burden in examining the inventions of Group III and Group IV.

Applicant's arguments are not found to be persuasive. Applicant is first reminded that claims in Group I are directed only to a vessel that is capable of transporting wind turbines, and do not positively recite a wind turbine in combination with the vessel. In other words, the wind turbine is related to the vessel merely in the "intended use" functionality. As such, claim 1 sets forth a product that can be used in a materially different process of using that product, such as in a process of installing bases for structure other than a wind turbine -- as in case of drilling platform bases.

Further, for argument sake, even if claim 1 had been amended to positively recite a system comprising both the vessel and the wind turbine, applicant may note that the method claim 19 requires "a supply of ballast in the wind turbine base before being sailed out". Claim 1, as amended, claims a product that can be used in a materially different process of using that

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product which does not require a supply of ballast in the wind turbine base before being sailed out.

Re the argument pertaining to the search and examination of all groups, MPEP section 803 refers to the appropriateness of a restriction with regards to search as well as the examination of the application. Examination of all groups would require at least four separate searches. Even if a single search could cover all pending claims, at least the examination of all claims would present a serious burden on the Examiner.

The requirement is still deemed proper and is therefore made FINAL.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- In the claim (line 2), the limitation "the ballast means" lacks proper antecedent basis in the claim.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1-8 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0353829 A1 ('829).

EP ('829) shows a semi-submersible vessel (fig. 4, 7 and 8), wherein the vessel has a loading space for receiving a load disposed in an upright position, means [7] for displacing the upright load from the loading space to an unloading position, and winches (fig. 7) with at least three flexible lines (fig. 7 and 8) with associated fastening means for mounting on at least three lifting points on the upright load. At the unloading position, the flexible lines [39] are arranged to extend below the vessel.

Applicant may note that the following limitations, as underlined by examiner, set forth a wind turbine that is related to the vessel merely in an intended use manner.

"A vessel for transporting wind turbines, wherein the vessel has a loading space for receiving at least one wind turbine mounted on a base, said wind turbine being in an upright position corresponding to an upright operating position of the wind turbine when placed on said loading space, said vessel having means for displacing the wind turbine from the loading space to an unloading position, and said vessel having winches with at least three flexible lines with associated fastening means for mounting on at least three lifting points on the wind turbine base, the flexible lines being arranged at the unloading position so that their sections extending down to mounting places on the wind turbine base are spaced apart in the horizontal direction, and a ballast condition of the wind turbine base being changed at said unloading position" (emphasis added).

In the present case, the vessel of EP ('829) is capable of handling any other upright structure, such as a Wind Turbine base, and therefore meets the requirements of the claim.

Re claims 2-4, fig. 7 and 8 show two arms, and each arm associated with at least two flexible lines.

Re claim 5, gangway [8] is equivalent to the rails (fig. 5).

Re claim 7, because the vessel is a semi-submersible vessel, it is capable of adjusting the draught so as to position the deck below or above the water surface.

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Re claim 8, although the ballast is not supplied directly to the upright load, any change in the ballasting of the vessel would correspondingly change the ballast condition of the base with respect to the water surface.

Re claim 18, when handling a symmetrically designed load, the axial loads on the symmetrically spaced lines would be of substantially same magnitude.

### ***Allowable Subject Matter***

6. Claims 9-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claim 17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

### ***Conclusion***


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay Vasudeva whose telephone number is (571) 272-6689. The examiner can normally be reached on Monday-Friday 12:00 -- 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ajay Vasudeva  
Examiner  
Art Unit 3617

  
AJAY VASUDEVA 1/23/06  
PATENT EXAMINER